



DECLARATION AND POWER OF ATTORNEY

Attorney Docket No.

04819-00015

As the below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled: **HANDELD BREATH TESTER HOUSING AND MOUTHPIECE** the specification of which:

(check one)

is attached hereto.

was filed on April 8, 2004 as Application Serial No. 10/820,492, and was amended on _____.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability of this application in accordance with Title 37, Code of Federal Regulations §1.56.

I hereby claim foreign priority benefits under 35 U.S.C. §119 (a)-(d) or (f) or 365(b) of any foreign application(s) for patent or inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below, and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed:

COUNTRY	APPLICATION NUMBER	DATE OF FILING (day, month, year)	PRIORITY CLAIMED	CERTIFIED COPY ATTACHED
			<input type="checkbox"/>	Yes <input type="checkbox"/> No
			<input type="checkbox"/>	Yes <input type="checkbox"/> No
			<input type="checkbox"/>	Yes <input type="checkbox"/> No
			<input type="checkbox"/>	Yes <input type="checkbox"/> No

I hereby claim the benefit under 35 U.S.C. §120 of any United States application(s), or 365(c) of any PCT International application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of 35 U.S.C. §112, I acknowledge the duty to disclose material information as defined in 37 CFR §1.56 which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. PARENT APPLICATION OR PCT PARENT NUMBER	PARENT FILING DATE (day, month, year)	STATUS (patent and number, pending, abandoned)

I hereby claim the benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below.

APPLICATION NUMBER(S)	FILING DATE (day, month, year)
60/462,122	10 April 2003
60/525,423	26 November 2003

_____ Additional provisional application numbers are listed on a supplemental priority sheet attached hereto.

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POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorney(s) and/or agent(s) to prosecute this application and transact all business in the Patent and Trademark Office connected therewith. (list name and registration number)

23465

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314-621-5070

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application and any patent issued thereon.

SOLE OR FIRST INVENTOR:

Full Name: David J. BayerSignature: David J. Bayer Date: August, 5/2004Residence: Richmond Heights, MOCitizenship: USPost Office Address: 7345 Bruno Ave., Richmond Heights, MO 63117

SECOND JOINT INVENTOR, IF ANY:

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THIRD JOINT INVENTOR, IF ANY:

Full Name: Joe E. Fodor, Sr.Signature: Joe E. Fodor, Sr. Date: AUGUST 12, 2004Residence: Fenton, MOCitizenship: USPost Office Address: 1065 Seasons Ridge Ct., Fenton, MO 63026